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Second Reply to Final Rejection of September 10, 2003

Reply dated May 18, 2004

REMARKS

This second response is submitted in response to the Final Office Action dated September 10, 2003 and subsequent to the first Response After Final Rejection Under 37 C.F.R. 1.116 filed on February 9, 2004, the Combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and Petition for Extension of Time Under 37 C.F.R. 1.136(a) filed on March 12, 2004, and the Advisory Action mailed on April 1, 2004, and respectfully requests that the Examiner reconsider the rejection of the claims as set forth therein. In the Advisory Action, the Examiner indicated that the Amendment of February 9, 2004 was entered to place the claims in better form for consideration upon appeal.

Allowable Subject Matter: Claims 24-27

As noted in the previous Office Action of March 25, 2003, the Examiner has allowed claims 24-27.

Claims 1, 2, 5, 6, 9, 12, 15, 16, 19, 20, and 23 are rejected by the Examiner. Claims 3, 4, 7, 8, 10, 11, 13, 14, 17, 18, 21 and 22 are withdrawn from consideration as being directed to a non-elected invention.

35 U.S.C. 103(a) Rejections: Claims 1-2, 5-6, 9, 12, 15-16, 19-20 and 23

The Examiner continues to reject claims 1-2, 5-6, 9, 12, 15-16, 19-20 and 23 under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. (US 6,064,460 – filed May 15, 1998 – issued May 16, 2000) in view of Numano et al (US 6,313,898 B1 – filed December 15, 1998 – issued November 6, 2001).

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In response, the applicants respectfully call to the Examiner's attention that in conjunction with the filing of the instant U.S. patent application on July 30, 1999, the applicants filed a Claim of Priority Under 35 U.S.C. §119 and submitted therewith a certified copy of Japanese Patent Application No. 10/215369 filed in Japan on July 30, 1998.

In view of the foregoing, the applicants are hereby perfecting the claim to foreign priority under 35 U.S.C. §119 by submitting a verified translation of the foreign priority document. The verified translation was performed by Mr. Hirotsugu SATO of Tokyo, Japan on April 30, 2004 who avers that he is familiar with the English and Japanese languages and that he has prepared the English translation attached hereto, which is a full, true and faithful translation of the patent application filed with the Patent Office of Japan under Application No. 215369/1998 filed in Japan on July 30, 1998 to the best of his knowledge and belief.

Therefore, under the provisions of 35 U.S.C. 119(a)-(d), in that the applicants have now submitted a verified translation of the foreign priority document, and in view of the fact that the Numano et al reference was filed in the U.S. on December 15, 1998, which is subsequent to the Japan filing date of July 30, 1998 of the present invention by Watanabe et al, the applicants hereby request that the Examiner remove Numano et al as a prior art reference.

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Therefore, claims 1-2, 5-6, 9, 12, 15-16, 19-20 and 23 patentably distinguish over the prior art. As a result, the applicants respectfully request the Examiner to withdraw the rejections of claims 1-2, 5-6, 9, 12, 15-16, 19-20 and 23.

Reconsideration of this application in view of the foregoing remarks is respectfully requested. The foregoing remarks establish the patentable nature of all of the elected claims in the application, i.e., generic claim 1 and elected claims 2, 5-6, 9, 12, 15-16, 20 and 23. Claim 24-27 are allowed. No new matter has been added, and no new issues have been raised, wherefore early and favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

The applicants call to the Examiner's attention that, although it was not required by the Examiner, in the Response Under 37 C.F.R. 1.111 filed on June 19, 2003, claim 9 was amended to replace the limitation "each of said signal line regions and said pixel aperture regions of these alignment layers undergoes a *stipulated* alignment process" with --each of said signal line regions and said pixel aperture regions of these alignment layers undergoes a controlled alignment process-- to enhance the recitation of the claim. The amendment to claim 9 is supported by FIGS. 10, 11 and 17 which show that alignment of the liquid crystal molecules is controlled. Therefore, no new matter was added.

The applicants noted that claims 10 and 11, which are withdrawn in view of a restriction requirement, have the identical limitation of "a stipulated alignment process". The applicants respectfully reiterate herein that since claim 1

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is a generic or linking claim, the applicants request that, in the event that claim 1 is

allowed, the Examiner issue an Examiner's amendment to make the analogous

changes to claims 10 and 11 with any Notice of Allowance that would include

claims 10 and 11.

Respectfully submitted,

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Encl.: Verified Translation of Foreign Priority Document
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